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Appl. No. 09/898,272
Amd. Dated July 6, 2004
Reply to Office Action of April 6, 2004

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REMARKS/ARGUMENTS**OFFICIAL****I. Introduction:**

Claims 1-37 are currently pending. Applicants' acknowledge the Examiner's allowance of claims 6-9, 15, 17, 20, 21, 26, 27, 34, and 35.

II. Claim Rejections Under 35 U.S.C. 102:

Claims 1, 2, 4, 16, 18, 19, 28-33, 36, and 37 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,240,582 (Reinke).

Claim 1 is directed to a tabletop device for use in supporting and positioning a patient in a medical therapy or diagnostic system having a support base and operable to project a beam over at least a portion of the tabletop device. The tabletop device is configured for mounting on the support base. Claim 1 requires, among other things: a central section configured for attachment to the support base, a frame fixedly attached to the central section and extending longitudinally outward from opposite sides thereof; and a support system connected to the frame for supporting a patient thereon. At least a portion of the frame and support system is located within the beam projection area when the tabletop is mounted in the medical therapy or diagnostic system and the portion of the frame located within the beam projection area is formed substantially from non-metal components. Applicants' unique construction as set forth in claim 1, provides improved transmission in the beam projection area.

Reinke discloses an apparatus for positioning a patient support deck. As shown in Figs. 1 and 2, the apparatus includes a base 12 and a patient support deck 14 supported by the base. A deck positioning assembly 16 is coupled to the base and deck. Deck sections each include frame members 28, 30, 32, 34, 36 and panels 38, 40, 42, 44, 46 (referred to by the Examiner as a support system) which are coupled to the frame members (see Fig. 1). The panels are made from a radiotranslucent material that

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permits x-rays and rays from fluoroscopic imaging machines to pass therethrough. (The panels are incorrectly referred to as items 28, 30, 32, 34, 36 at Col. 4, lines 14-15). The properties associated with a radiotranslucent surface allow the passage of x-ray beams in order to provide the capability to perform radiological procedures with the patient in place. The radiotranslucent patient support surface is supported by a metallic type framework and base structure.

Reinke does not disclose a tabletop device wherein at least a portion of the frame located within a beam projection area is formed substantially from non-metal components. As shown in Figs. 1, 2, and 5-6, the frame generally extends the length of the table and is located within a beam projection area. Furthermore, transmission assembly 82 is also located within the beam projection area and includes metal components. Applicants' invention is particularly advantageous in that it provides strength and rigidity without interfering with the treatment or imaging performed on a patient. The Examiner also notes that Reinke does not disclose a beam area formed substantially from non-metal components (paragraph 4 of Office Action dated April 6, 2004).

Accordingly, claim 1 is submitted as patentable over Reinke. Claims 2-5, 10-14, and 16, depending either directly or indirectly from claim 1, are submitted as patentable for the same reasons as claim 1.

Claim 2 is further submitted as patentable over Reinke which does not disclose a portion of a frame and support system formed from composite material.

Claim 18 is directed to a system for use in medical therapy or imaging. The system comprises, among other things: a central section configured for attachment to a support base; a frame fixedly attached to the central section and extending longitudinally outward from opposite ends thereof; and a support system connected to the frame for supporting a patient thereon. At least a portion of the frame and support system is located within a beam projection area when the tabletop is mounted in the medical therapy or imaging system and the portion of the frame located within the beam

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projection area is formed from non-metal components. Claim 18 is submitted as patentable for the reasons discussed above with respect to claim 1.

Claims 19 and 22-25, depending either directly or indirectly from claim 18, are submitted as patentable for the same reasons as claim 18.

Claim 28 is directed to a tabletop device comprising: a central section configured for attachment to a support base; a frame attached to the central section in a fixed position and extending longitudinally outward from opposites sides thereof; and a support system integrally mounted within the frame. The support system includes immobilization panels configured for immobilizing portions of a patient's body on the tabletop.

Applicants respectfully submit that claim 28 is not anticipated by Reinke which does not disclose a support system integrally mounted within a frame and comprising immobilization panels configured for immobilizing portions of a patient's body on a tabletop device.

Claims 29-33 and 36-37, depending directly from claim 28, are submitted as patentable for the same reasons as claim 28.

III. Claim Rejections Under 35 U.S.C. 103:

Claims 1-5, 10-14, 16, 18, 19, 22-25, 28-33, 36, and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reinke in view of U.S. Patent No. 5,537,454 (Korver, II).

Korver, II discloses a radiation therapy insert 10 for use with a treatment couch (Fig. 4). The table insert 10 is mounted to one end 26 of a conventional radiation therapy table 28. The therapy table 28 extends from the insert 10 all the way to the opposite end of the table. As shown in Fig. 4, the table insert is mounted to the spine end of a conventional radiation therapy table. Applicants respectfully submit that there is no suggestion to combine the teachings of Reinke with Korver, II to produce the

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claimed invention. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination.

The apparatus of Reinke is designed to provide longitudinal movement and includes a transmission assembly configured to convert transverse movement into longitudinal movement of a patient support deck relative to a base. It is also an objective of Reinke to provide a minimum amount of structure in the area beneath the patient-support deck to minimize interference of the structure with an arm of an x-ray device. Reinke accomplishes these objectives with a frame that extends the length of the table and a transmission assembly which is also located within the beam projection area and includes metal components. In contrast, Korver, II attaches a grid to one end of a support deck which is mounted on a conventional radiation therapy bed along a substantial portion of the deck. An important feature of the Korver, II invention is that there is an open lateral side along edge 24 of the grid (Fig. 4), which provides complete lateral access. This would be eliminated if the grid were incorporated into the Reinke apparatus since the frame and transmission would still be required to provide the deck-positioning capability and metal components would still be located in the beam area. As such, the incorporation of a grid into the Reinke apparatus would not lead a person of ordinary skill in the art to the invention of claim 1. Hence, absent improper hindsight, there is no motivation existing in the art for combining the teaching of these references.

Even assuming, for the sake of discussion, that the grid of Korver, II was somehow installed in Reinke without the metal frame and transmission, the proposed modification of Reinke would eliminate the longitudinal movement capability and defeat the primary functionality of the Reinke system. The law is clear that it would not be obvious to make a modification in such instances.

Accordingly, claim 1 is submitted as patentable over Korver, II, Reinke, and the other prior art of record.

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Claims 2-5, 10-14, and 16, depending either directly or indirectly from claim 1, are submitted for the same reasons as claim 1.

Claim 18 is submitted as nonobvious for the reasons discussed above with respect to claim 1. Claims 19 and 22-25, depending either directly or indirectly from claim 18, are submitted as patentable for the same reasons as claim 18.

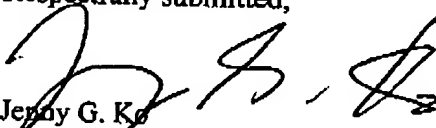
Applicants respectfully submit that claim 28, and claims 29-33 and 36-37, depending either directly or indirectly therefrom, are patentable over Reinke and Korver, II which do not disclose a support system integrally mounted within a frame and comprising immobilization panels configured for immobilizing portions of a patient's body on a tabletop device.

IV. Conclusion:

In view of the foregoing, reconsideration and allowance of claims 1-37 are respectfully requested.

If any fees are due in connection with the filing of this amendment, the Commissioner is authorized to charge such fees to Deposit Account 19-2179 (Order No. 00P7786US01).

Respectfully submitted,


Jerry G. Ko
Reg. No. 44,190

SIEMENS CORPORATION
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830